

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Malcolm Earl Barnes

Docket No. 5:17-CR-126-1D

Petition for Action on Supervised Release

COMES NOW Corey Rich, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Malcolm Earl Barnes, who, upon an earlier plea of guilty to 18 U.S.C. § 924(a)(2), 18 U.S.C. §922(g)(1), Possession of a Firearm and Ammunition by a Felon, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on September 5, 2018, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Malcolm Earl Barnes was released from custody on December 21, 2018, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 30, 2019, and February 7, 2019, the defendant submitted a urinalysis that tested positive for Oxycodone. When confronted, he admitted to taking Percocet without a valid prescription. The defendant was remorseful for his actions, and advised his use was in response to an old back injury. He was verbally reprimanded, and cognitive behavioral principles were implemented. The defendant has been referred for a substance abuse assessment and is enrolled in the Surprise Urinalysis Program. His testing frequency has been increased.

It was originally ordered that the defendant be subject to the DROPS program as a condition of supervision. Due to the lack of available nearby facilities for the defendant to complete this sanction, and his lack of reliable transportation, it poses an undue burden on the defendant. Therefore, it is respectfully requested that the DROPS sanction be stricken from the conditions of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The DROPS Sanction is hereby removed from the conditions of supervision.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.


/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Corey Rich
Corey Rich
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2540
Executed On: February 13, 2019

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ORDER OF THE COURT

Considered and ordered this 14 day of February, 2019, and ordered filed and made a part of the records in the above case.



James C. Dever III
U.S. District Judge